

## **REMARKS**

### **Claim Rejections – 35 USC § 112**

Claims 2 and 22 were rejected under 35 U.S.C. 112, second paragraph.

### **Claim Rejections – 35 USC § 102**

Claims 27 and 30 were rejected under 35 U.S.C. 102(e) as being anticipated by Fredlund et al (U.S. Patent No. 6,628,895 B2). Claim 30 is cancelled.

### **Allowable Subject Matter**

Claims 1, 2, 4-21, 23-26, and 31-33 are allowed.

### **Specification Amendment**

The Applicants have amended the specification to provide greater clarity around the sentence found on page 6, lines 2 -4 and beginning with “Instead of reading a number...”

Reconsideration and allowance of the claims as amended is requested for the following reasons.

### **The 112 Rejections**

With regard to claims 3 and 22, the Examiner states that the claims are indefinite, because dependent claims 3 and 22, recite a folded optical path, in the embodiment shown in Fig. 5. The independent claims from which dependent claims 3 and 22 depend, contain a step of capturing or a means for capturing. The Examiner could not discern an apparent step or means of capturing in the embodiment of Fig. 5. However, one time use camera (OTUC) 10 is clearly labeled in Fig. 5 and is a means for capturing an image as recognized by those skilled in the art of photography. Moreover, within the Applicants’ specification on page 6, lines 3- 5, label 20 is captured by OTUC 10. It is believed, therefore, that claims 3 and 22 meet the requirements of 35 USC 112, because the claims do, in fact, point out and distinctly claim the subject matter found in the pending application, and which the applicants regards as their invention.

### **The 102 Rejections**

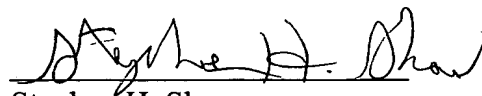
Fredlund et al. does not disclose a public target, as defined by the Applicants on page 8, lines 11-22 and in Fig. 9; in which a public target may be, for example, a billboard or a large display screen such as a Jumbo-Tron<sup>TM</sup> used at outdoor sporting events or the like. A close reading of Fredlund et al. reveals that item 50 in Fig. 4 is actually a support fixture 30 for camera 10 and can be seen in greater detail in Fig. 2 of Fredlund et al. Moreover, the Applicants have conducted an extensive search of the text of Fredlund et al. and have not found any mention of a "public target", a "billboard", or a "display screen." Therefore, claim 27 is novel because at least one of Applicants' features is missing in the cited art. Applicants, therefore, respectfully request that the Examiner reconsider and withdraw the rejection of the claims under 35 U.S.C. 102(e). Furthermore, a 103 rejection would be inappropriate as well, because the 102 (e) cited art of Fredlund et al. and the pending patent application are both commonly assigned to Eastman Kodak Company.

The dependent claims 28-29 are allowable for at least the same reasons as stated above.

Applicants have reviewed the cited art made of record, and believe that singly or in any suitable combination, they do not render Applicants' claimed invention unpatentable. It is believed that the claims in the application are allowable over the cited art and such allowance is respectfully requested.

Should the Examiner consider that additional amendments are necessary to place the application in condition for allowance, the favor is requested of a telephone call to the undersigned counsel for the purpose of discussing such amendments.

Respectfully submitted,



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If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.